

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

BOTTLEHOOD, INC.,

Plaintiff,

vs.

THE BOTTLE MILL, et al.,

Defendants.

CASE NO. 11cv2910 MMA (MDD)

ORDER DENYING *EX PARTE*  
MOTION TO EXPEDITE  
DISCOVERY

[DOC. NO. 4]

Before the Court is Plaintiff's *ex parte* motion to expedite discovery filed on January 6, 2012. (Doc. No. 4). Plaintiff filed its complaint on December 14, 2011, against Defendant The Bottle Mill, its two general partners and John Does 1 through 25. (Doc. No. 1). In summary, Plaintiff alleges that Defendants have engaged in copyright infringement and unfair competition by copying Plaintiff's products, advertisements and trademarks. *Id.* Plaintiff asserts that there is good cause for this Court to authorize early discovery in this case to allow Plaintiff to identify the Doe defendants that Plaintiff alleges assisted in the infringing acts of Defendant.

Typically, discovery does not commence against a party until the conference required by Fed.R.Civ.P. 26(f) has occurred. Fed.R.Civ.P. 26(d). The Court concurs with Plaintiff that it has the authority to expedite discovery for good cause. *Id.* The Court is not convinced that good cause to expedite discovery is present in this case.


Plaintiff has identified and sued the entity and individuals alleged to be primarily

1 responsible for the infringement and unfair competition. The Doe defendants, according to  
2 Plaintiff, are believed to have assisted in the infringing activities. The Court does not agree that  
3 the need to identify these defendants is of such importance, in consideration of the administration  
4 of justice, as to outweigh any prejudice to the responding party. *See Semitool, Inc. v. Tokyo*  
5 *Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002).

6 Accordingly, Plaintiff's motion is denied.

7 IT IS SO ORDERED:

8 DATED: January 10, 2012

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11 Hon. Mitchell D. Dembin  
12 U.S. Magistrate Judge  
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